

1645

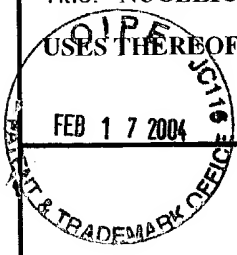
**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
3153.00162

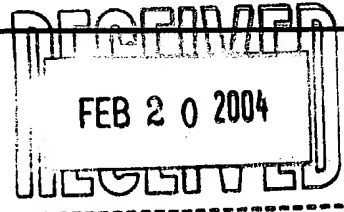
In Re Application Of: **Kendall Wayne King, et al.**

Serial No. 09/676,249	Filing Date 09/29/2000	Examiner Swartz, Rodney P.	Group Art Unit 1645
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Title: **NUCLEIC ACIDS AND PROTEINS OF THE MYCOPLASMA HYOPENUMONIAE MHP3 GENE AND USES THEREOF**



Address to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231



**37 CFR 1.97(b)**

1. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☒ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☒ the statement specified in 37 CFR 1.97(e);
- OR
- ☐ the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
3153.00162

In Re Application: **Kendall Wayne King, et al.**

Serial No.

09/676,249

Filing Date

09/29/2000

Examiner

Swartz, Rodney P.

Group Art Unit

1645

**NUCLEIC ACIDS AND PROTEINS OF THE MYCOPLASMA HYOPENUMONIAE MHP3 GENE**

**USES THEREOF**

FEB 17 2004

FEB 20 2004

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 11-1449 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

**Certificate of Transmission by Facsimile\***

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

**Certificate of Mailing by First Class Mail**

I certify that this document and fee is being deposited February 2, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Marie M. DeWitt

Typed or Printed Name of Person Mailing Certificate

\*This certificate may only be used if paying by deposit account.

Signature

Dated: February 2, 2004

**Kenneth I. Kohn**

**Kohn & Associates, PLLC**

**30500 Northwestern Hwy.**

**Suite 410**

**Farmington Hills, Michigan 48334**

**(248) 539-5050**

CC:

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

Docket No.  
3153.00162

In Re Application Of: **Kendall Wayne King, et al.**

Serial No.  
09/676,249

Filing Date  
09/29/2000

Examiner  
Swartz, Rodney P.

Group Art Unit  
1645

Invention: **NUCLEIC ACIDS AND PROTEINS OF THE MYCOPLASMA HYOPNEUMONIAE MHP3 GENE AND  
USES THEREOF**

FEB 17 2004

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

FEB 20 2004

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- ☒ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

- ☐ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

  
Signature

Dated: February 2, 2004

**Kenneth I. Kohn  
Kohn & Associates, PLLC  
30500 Northwestern Hwy.  
Suite 410  
Farmington Hills, Michigan 48334  
(248) 539-5050**

**Certificate of Mailing by First Class Mail**

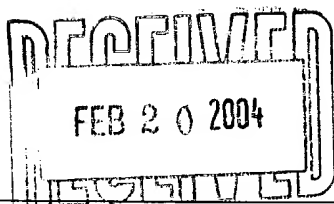
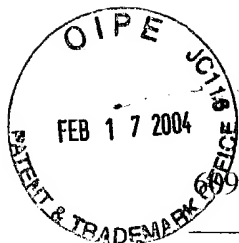
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20231.

  
Signature of Person Mailing Correspondence

**Marie M. DeWitt**

Typed or Printed Name of Person Mailing Correspondence

cc:



## MANUAL OF PATENT EXAMINING PROCEDURE

PTO/SB/08 (2-92)

Sheet 1 of 1

Form PTO-1449				Docket Number (Optional) 3153.00162		Application Number 09/676,249	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION  (Use several sheets if necessary)				Applicant Kendall Wayne King, et al.			
				Filing Date 09/29/2000		Group Art Unit 1645	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
FOREIGN PATENT DOCUMENTS							
	DOCKET NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 96/28472						
	WO 90/15066						
	11286499 A		Japan				
	4-503454						
	WO 99/10375						
	2001-51986						
	0 768 382 A2						
	9-107954						
	WO 89/08143						
	2-503269						
	4-507043						
	WO 90/10085						
	11-501809						
OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)							
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.							